



#12 DAC/8

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**
Docket Number (Optional)
NVIS 2130

First named inventor: Kevin J. SHUHOLM

Group Art Unit: 2816

Application Number: 09/766,014

Examiner: Dinh Thanh Le

Filed: January 18, 2001

Title: APPARATUS AND METHOD FOR EXTRACTING DATA VALUES FROM A SIGNAL
ENCODED WITH AES3 DATAAttention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231
RECEIVED
 JAN 24 2003
 OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☐ small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ other than small entity - fee \$ 110 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify the type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee of \$ 1,300

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

01/22/2003 CHNGUYEN 00000059 09766014

01 FC:1452

110.00 OP

 09/766014
 1300.00 OP

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 15, 2003
Date

Telephone
Number: (503) 574-3100

John R. Hill
Signature

John Smith-Hill
Typed or printed name
12670 NW Barnes Road, Suite 104
Address
Portland, Oregon 97229

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay
Affidavit of Steven C. Bruess, Declaration of John Smith-Hill,
☐ Statement in Support of Petition

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Jan 15, 2003
Date

John R. Hill
Signature

John Smith-Hill
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Jan 15, 2003
Date

John Smith-Hill
Signature

John Smith-Hill
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

See Accompanying Documents

(Please attach additional sheets if additional space is necessary)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kevin J. SHUHOLM

Art Unit: 2816

Application No: 09/766,014

Examiner:
Dinh Thanh Le

Filed: January 18, 2001

For: APPARATUS AND METHOD FOR EXTRACTING
DATA VALUES FROM A SIGNAL ENCODED WITH
AES3 DATA

STATEMENT IN SUPPORT OF PETITION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In support of the accompanying Petition for Revival, the Affidavit of Steven C. Bruess shows that the Notice of Allowance was not received at the office of Merchant & Gould by August 20, 2002 and the Declaration of John Smith-Hill shows that the Notice of Allowance was not forwarded by Merchant & Gould to Smith-Hill and Bedell. In the circumstances, applicant submits that the entire delay in payment of the issue fee was unavoidable.

Respectfully submitted,

John Smith-Hill
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.
12670 NW Barnes Road, Suite 104
Portland, Oregon 97229

Tel. (503) 574-3100
Fax (503) 574-3197
Docket: NVIS 2130
Postcard: 01/03-32

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 15th day of January, 2003.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kevin J. SHUHOLM

Art Unit: 2816

Application No: 09/766,014

Examiner:
Dinh Thanh Le

Filed: January 18, 2001

For: APPARATUS AND METHOD FOR EXTRACTING
DATA VALUES FROM A SIGNAL ENCODED WITH
AES3 DATA

DECLARATION OF JOHN SMITH-HILL

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 24 2003
OFFICE OF PETITIONS

Sir:

I, John Smith-Hill, declare as follows:

1. I am a registered patent attorney with the law firm of Smith-Hill and Bedell, P.C.

2. On or about August 20, 2002, responsibility for this application was transferred to me from Merchant & Gould P.C. My inspection of the file at the time of receipt in August 2002 showed that the latest transaction had been filing of a reply to the Office Action mailed December 6, 2001. The reply had been transmitted to the Patent and Trademark Office on June 6, 2002 and in accordance with the guideline in MPEP 203.08, I caused a docket entry to be made to check the status of the application on December 6, 2002.

3. On December 6, 2002, I received a transmittal memo from Merchant & Gould with the Notice of Abandonment mailed November 25, 2002. I promptly contacted Steven Bruess at Merchant & Gould to obtain clarification of the status of the application. Mr. Bruess provided me with a copy of the file contents history from the PAIR system and advised me that Merchant & Gould had not received the Notice of Allowance that had been mailed on July 17, 2002.

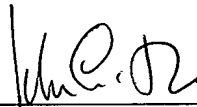
4. I have reviewed the Affidavit of Steven C. Bruess dated December 31, 2002. This affidavit shows that Merchant & Gould had not received the Notice of Allowance by August 20, 2002. I have examined the file pertaining to this application and the only communication received in connection with this application between filing the reply to the Office Action mailed December 6, 2001 and receipt of the transmittal memo on December 6, 2002 is a letter that

I had received on August 6, 2002 and with which Merchant & Gould forwarded the Notice of Publication dated July 18, 2002.

5. It is the standard practice on the office of Smith-Hill and Bedell that whenever we receive correspondence including a Notice of Allowance pertaining to a case for which I am the responsible attorney, a docket entry is made before the correspondence is passed to me, and the docket entry is not removed except on my instructions. I do not give instructions to remove a docket entry without inspecting the file to verify that removal is appropriate. I have checked the docket records of Smith-Hill and Bedell and there is no entry indicating that the Notice of Allowance relating to this case had been received, calling for payment of the issue fee by October 17, 2002.

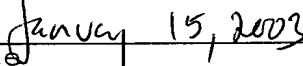
6. I did not become aware of the circumstances in which this application had become abandoned until December 9, 2002 and I did not receive Mr. Bruess' affidavit until January 6, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Sec. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John Smith-Hill

Date



January 15, 2003



S/N 09/766,014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KEVIN J. SHUHOLM	Examiner:	DINH THANH LE
Serial No.:	09/766,014	Group Art Unit:	2816
Filed:	JANUARY 18, 2001	Docket No.:	NVIS2130
Title:	APPARATUS AND METHOD FOR EXTRACTING DATA VALUES FROM A SIGNAL ENCODED WITH AES3 DATA		

AFFIDAVIT OF STEVEN C. BRUESS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, STEVEN C. BRUESS, being first duly sworn on oath, depose and state that:

1. I am an attorney with the law firm of Merchant & Gould, P.C. responsible for ADC Telecommunications, Inc. patent filing and prosecution work. Prior to August 20, 2002, the ADC Telecommunications, Inc. patent filing and prosecution work at Merchant & Gould, P.C. included the above-identified patent application.

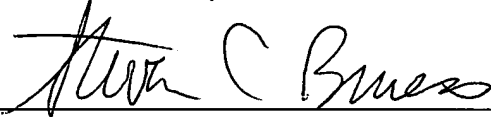
2. On August 20, 2002, the above-identified file was transferred to new counsel, John Smith-Hill, at Smith-Hill and Bedell, P.C.

3. As of August 20, 2002, no Notice of Allowance had been received by Merchant & Gould. Enclosed is a copy of the docket report concerning the above-identified file.

4. Any Patent & Trademark Office correspondence received after the date a file is transferred is forwarded to the new counsel. As part of that process, no record is kept of the specific correspondence received and forwarded to the new counsel. Nor are any new dates docketed after the file is transferred.

5. Based on the information available to me, I do not believe that any Notice of Allowance was received by Merchant & Gould before August 20, 2002.

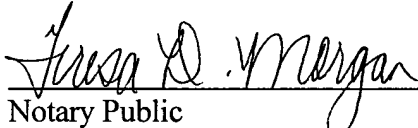
Dated this 31st day of December, 2002.



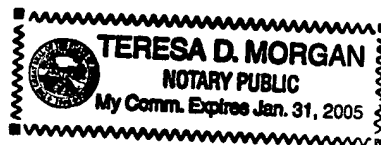
Steven C. Bruess

STATE OF Minnesota)
COUNTY OF Hennepin) ss.

Subscribed and sworn to before me
this 31st day of December, 2002.



Notary Public



PCMaster Web Access Module - Patent Case Print

Docket Number : 02316.1547US01
Country : United States
Case Type : Regular
Relation Type : Original Filing
Filing Type : National
Filing Number : 01
Status : Inactive

FILING DATA

First Filing Date : 1/18/01	Sub Status Date : 5/14/01
Sub Status : Transferred	Parent Filing Date :
Parent Country :	Parent Grant Date :
Parent Number :	Ind. Claims\Designs : 000000000
Total Claims : 000000000	Application Date : 1/18/01
Application Number : 09/766014	Issue Date :
Patent Number :	Publication Date : 7/18/02
Publication Number : N	Expiration Date :
Assigned :	Tax Base Date :
Convention Type :	Next Tax Date :
Responsible Office : MP	
Attorney : SCB - STEVEN C. BRUESS	
Attorney #2 :	
Client : ADC TELECOMMUNICATIONS, INC.	
Assignee : ADC TELECOMMUNICATIONS, INC.	
Client Reference :	

RELATED PARTY INFO

Associate :	Agent Ref No :
	Country of Origin : US

ACTIONS

Action	Action Due Date	Completed Date	Action Notes
IDS DUE	4/18/01	4/18/01	
CLM PRIORITY-119/120	5/18/01	5/18/01	
FF REMINDER 6MO	7/18/01	7/18/01	
IDS-PAW	7/18/01	7/16/01	NO IDS NEEDED PER NDK/tz 7/16/2001
Foreign filing - 11 month remi	8/18/01	8/17/01	
Foreign filing deadline	1/18/02	12/11/01	NO FF PER CLIENT PER NDK 12/11/01
RESP OA 3 MTHS/PTA	3/6/02	3/4/02	
RESP TO OA - 4 MTHS	4/6/02	4/2/02	
RESP TO OA - 5 MTHS	5/6/02	5/3/02	
RESP TO OA - STAT	6/6/02	6/6/02	BEING FILED 6/6/02 PER NDK/tz
STATUS CHECK	6/11/02	12/6/01	
Published	7/18/02	7/17/02	
STATUS CHECK	12/6/02	8/20/02	

CLIENT INFORMATION**EXPENSES**

INVENTORS

Inventor Name	Assignment Date
SHUHOLM KJ	

OTHER NUMBER

Other Number Code	Other Number	Other Number Date
ADC	PO	5/6/02

RELATED ID'S

System Code	Docket Number	Country	Case Type	Relation Type	Filing Type	Filing Number	Remarks
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TITLE

APPARATUS AND METHOD FOR EXTRACTING DATA VALUES FROM A SIGNAL ENCODED WITH AES3 DATA (NVISION) (ADC N-2130)

TEXT

Text Type	Text
RMK	TO SMITH-HILL AND BEDELL, P.C. 08/20/2002

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